

Report Date: January 18, 2019

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 22 2019

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender:	Robert Lawrence Hardwick	Case Number:	0980 2:15CR00097-WFN-1
Address of Offender:	Spokane, Washington 99208		
Name of Sentencing Judicial Officer:	The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge		
Date of Original Sentence:	June 28, 2016		
Original Offense:	Involuntary Manslaughter, 18 U.S.C. §§ 1153 and 1112		
Original Sentence:	Prison - 41 months TSR - 36 months	Type of Supervision:	Supervised Release
Asst. U.S. Attorney:	Matthew F. Duggan	Date Supervision Commenced:	March 1, 2018
Defense Attorney:	Molly Marie Winston	Date Supervision Expires:	February 28, 2021

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 01/04/2019.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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3	<u>Special Condition # 20:</u> The defendant shall abstain from alcohol and shall submit to Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.
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Supporting Evidence: Robert Hardwick tested presumptively positive for alcohol on January 15, 2019.

On March 5, 2018, an officer from the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Hardwick, as outlined in the judgement and sentence. He signed a copy acknowledging the requirements.

On January 14, 2019, this officer contacted Mr. Hardwick and scheduled to meet with the offender on January 15, 2019, to discuss his treatment requirements moving forward and to provide him with the contact information for Pioneer Human Services (PHS), where he was now being referred for services.

On January 15, 2019, the offender reported to the U.S. Probation Office for his scheduled appointment with this officer. Upon arrival, he was advised that he would need to submit to random urinalysis testing. When U.S. probation officer (USPO) Joshua Schull attempted

to gather Mr. Hardwick's urinalysis sample, he detected a strong odor of alcohol. Mr. Hardwick was unable to provide a sample at that time and was escorted back to the waiting area of the probation office.

After USPO Schull relayed his observations to this officer, the undersigned officer met with Mr. Hardwick and expressed concerns that he was under the influence of alcohol as he smelled of it, to which Mr. Hardwick replied that I was the "second person to tell him that this morning." The offender did submit to Breathalyzer testing and was determined to have a blood alcohol content (BAC) of .033.

Mr. Hardwick adamantly denied using any alcohol and signed a denial of use form stating such. The offender also provided a urine sample that has been forwarded to Alere Laboratory to confirm he was positive for alcohol. As of the writing of this report, those test results have not yet been received.

4 **Special Condition # 22:** The defendant shall abstain from the use of illegal controlled substances.

Supporting Evidence: Robert Hardwick submitted to random urinalysis testing on January 15, 2019, at which time he tested presumptive positive for methamphetamine, cocaine, and marijuana.

On March 5, 2018, an officer from the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Hardwick, as outlined in the judgement and sentence. He signed a copy acknowledging the requirements.

On January 15, 2019, Mr. Hardwick reported to the U.S. Probation Office for his appointment with the undersigned officer. The offender was notified that he would need to submit to random urinalysis testing.

Mr. Hardwick submitted a urine sample, supervised by USPO Joshua Schull, that tested presumptive positive for methamphetamine, cocaine, and THC. When confronted with the results, the offender adamantly denied using any illicit substances and signed a denial of use form stating such.

The sample Mr. Hardwick provided has been sent to Alere Laboratory for confirmation, but as of the writing of this report, those results have not yet been received.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/18/2019

s/Amber M.K. Andrade

Amber M. K. Andrade
U.S. Probation Officer

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Re: Hardwick, Robert Lawrence

January 18, 2019

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

1/22/19

Date